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Attorneys for Defendants

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

| | | |
|-------------------|---|---------------------|
| COREY MEDLEY | : | |
| | : | CIVIL ACTION - LAW |
| Plaintiff | : | |
| | : | NO.: |
| v. | : | |
| | : | |
| SAED ABDULLE and | : | |
| CW TRANSPORT, LLC | : | JURY TRIAL DEMANDED |
| Defendants | : | |

DEFENDANTS' NOTICE OF REMOVAL

AND NOW, come Defendants, by and through their counsel, Stephen E. Geduldig, Esquire, Megan C. Zei, Esquire and Pion, Nerone, Girman, Winslow & Smith, P.C., hereby REMOVE the above-captioned lawsuit pursuant to 28 Pa. C.S. § 1441, *et seq.* from the Court of Common Pleas of Schuylkill County, Pennsylvania, where it has been assigned docket number S-924-2021, to the United States District Court for the Middle District of Pennsylvania, and in support of same aver as follows:

Removal is Timely

1. On June 24, 2021 Plaintiff filed a Complaint in the Court of Common Pleas of Schuylkill County, Pennsylvania at docket number S-924-2021. A true and correct copy of Plaintiff's Complaint is attached hereto as **Exhibit "A."**

2. According to the Complaint, the accident that forms the basis of Plaintiffs' Complaint occurred on November 6, 2019 on Route 901 in Foster Township, Schuylkill County, Pennsylvania. Id. at ¶¶ 6-8.

3. Plaintiff's Complaint was served upon CW Transport LLC was served with Plaintiff's Complaint on or about July 8, 2021.

4. Thus, removal is being made within the time permitted by 28 U.S.C. § 1446(a).

Diversity of Citizenship Exists Under 28 U.S.C. § 1332

5. Upon information and belief, and according to the Complaint, Plaintiff is of and domiciled in the State of Delaware. See Ex. A, at ¶ 1.

6. According to the Complaint, Abdulle is a resident of and domiciled in the State of Minnesota. Id. at ¶ 2.

7. According to the Complaint, CW Transport, Inc. is a Pennsylvania corporation with a principal place of business in the Commonwealth of Pennsylvania. Id. at ¶ 3.

8. According to the Complaint, CW Transport, LLC is a Maryland limited liability company with a principal place of business in the State of Maryland. Id. at ¶ 4.

9. According to the Complaint, CW Transport, LLC a/k/a CW Transportation, is a Minnesota limited liability company with a principal place of business in the State of Minnesota. Id. at ¶ 5.

10. Therefore, complete diversity exists between the parties.

11. Plaintiff's Complaint alleges negligence, carelessness and recklessness against Abdulle (Count I), CW Transport, Inc. (Count II), CW Transport, LLC (Count III) and CW Transport, LLC a/k/a CW Transportation, LLC (Count IV). See Ex. A.

12. Plaintiff alleges that Defendants caused him severe and permanent serious bodily injuries, including injuries to his neck, back, arms, hands, legs, and feet. Id. at ¶¶ 12, 20, 28, 36.

13. Plaintiff also seeks damages for past and future medical expenses. Id. at ¶¶ 16, 24, 32, 40.

14. Plaintiff claims damages for past and future pain and suffering. Id. at ¶¶ 13, 21, 29, 37.

15. Plaintiff has also asserted a claim for emotional injuries. Id. at ¶¶ 14, 22, 30, 38.

16. Plaintiff seeks damages for loss of earnings and past and future loss of earning capacity. Id. at ¶ 15, 23, 31, 39.

17. Plaintiff demands judgment against Defendants in a sum in excess of the jurisdictional limits for compulsory arbitration (\$50,000). See Ex. A.

18. If all of Defendants' defenses fail, and if Plaintiff proves all of his damages, the damages would exceed \$75,000, exclusive of interest and costs.

19. Therefore, the amount in controversy in the state court action, exclusive of interests and costs, exceeds \$75,000.00.

Diversity Jurisdiction is Satisfied

20. Based on the above, this Honorable Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 in that Plaintiff's Complaint presents a case where the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

21. Upon confirmation of filing and docketing, notice of this instant Notice of Removal will be given to all parties as well as to the Court of Common Pleas of Schuylkill County, Pennsylvania pursuant to 28 U.S.C. § 1446(d).

22. As of July 30, 2021 the only pleadings filed in the Schuylkill County Court of Common Pleas is Plaintiff's Complaint. A true and correct copy of the docket is attached hereto as **Exhibit "B."**

23. The current action pending in the Court of Common Pleas of Schuylkill County, Pennsylvania is within the jurisdiction of the United States District Court for the Middle District of Pennsylvania,¹ and, for the reasons stated above, removal of this action to the Middle District of Pennsylvania is just and proper under the law.

24. In filing this Notice of Removal, Defendants do not waive any affirmative defenses they may assert in this within action, nor should any statements in this Notice be construed as admissions to the allegations in Plaintiff's Complaint.

WHEREFORE, Defendants, Saed A. Abdulle and CW Transport, LLC, respectfully request that this case be removed from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,

**PION, NERONE, GIRMAN,
WINSLOW & SMITH, P.C.**



Date: July 30, 2021

STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530
MEGAN C. ZEI, ESQUIRE
Attorney I.D. No. 309536

¹ Currently, another pending lawsuit related to this accident filed in the Middle District of Pennsylvania and docketed at Williams v. CW Transport, et al, 3:21-cv-01044-KM.

Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Megan C. Zei, Esquire, of the law firm of Pion, Nerone, Girman, Winslow & Smith, P.C., counsel for the Defendants, hereby state that a true and correct copy of the foregoing *Notice of Removal* was served upon all parties via electronic case filing, on this date as follows:

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Marc F. Greenfield, Esquire
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Attorneys for Plaintiff

**PION, NERONE, GIRMAN,
WINSLOW & SMITH, P.C.**



Date: July 30, 2021

MEGAN C. ZEI, ESQUIRE